

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**STUART HENDERSON**

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**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 1:09cv94-LG-RHW**

**ASSURANCE COMPANY OF AMERICA  
and ZURICH AMERICAN INSURANCE  
COMPANY**

**DEFENDANTS**

**JUDGMENT**

This matter having come on to be heard on the Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker [23] , the Court, after a review and consideration of the Proposed Findings of Fact and Recommendation, the record, and the relevant legal authority, finds that in accord with the Order entered herewith,

**IT IS ORDERED AND ADJUDGED** that the Findings of Fact and Recommendation of Magistrate Judge Robert H. Walker, entered on October 14, 2009, be, and the same hereby is, adopted in part and rejected in part as the finding of this Court. The Plaintiff's claims are hereby dismissed without prejudice.

**SO ORDERED AND ADJUDGED** this the 30<sup>th</sup> day of October, 2009.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE